

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

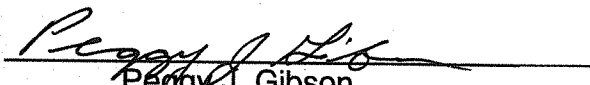
OAL Matter Number: 2017-1027-01

**OAL Matter Type: Certificate of Compliance
(C)**

This certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL file no. 2017-0502-02E) that expanded the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in Waco area of Kern County by approximately 98 square miles. The effect of this action provides permanent authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: December 13, 2017


Peggy J. Gibson
Senior Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross, Secretary
Copy: Rachel Avila**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-0823-02	REGULATORY ACTION NUMBER 2017-1027-01C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2017 OCT 27 A 9:07

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 13 2017

1:43 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2017, 36-2	PUBLICATION DATE 9-8-2017

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-0502-02E, 2017-0911-01EE
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3435(b)
	REPEAL
TITLE(S) 3.	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-403-6813	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Rachel.Avila@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Nick Condos, Director, Plant Health and Pest Prevention Services

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 13 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

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(b) Area Under Quarantine:

(1) In Kern County:

(A) Along the Northern boundary, and in the Delano, Taft, Shafter, Buttonwillow, Bakersfield, Mettler, Maricopa and Wasco areas: beginning at the intersection of State Highway 65 and Kern County Boundary line; then, starting easterly along said boundary line to its intersection with White River Road; then, southerly along said road to its intersection with State Highway 155; then, northwesterly along said highway to its intersection with an Unnamed Creek at 35.741546 latitude and -118.886259 longitude; then, southwesterly along an Unnamed Creek to its intersection with an imaginary line at 35.724743 latitude and -118.939882 longitude; then, continuing southwesterly along said line to its intersection with Unnamed Creek at 35.697058 latitude and -119.052060 longitude; then, southwesterly along said creek to its intersection with Porterville Highway; then, northerly along said highway to its intersection with Blossom Avenue; then, westerly along said avenue to its intersection with Lemon Street; then, westerly along an Imaginary Line to its intersection with Peterson Road at 35.703858 latitude and -119.094103 longitude; then, westerly along said road to its intersection with Kyte Road; then, southerly along said road to its intersection with Sherwood Avenue; then, southerly along said avenue to its intersection with Famoso Road; then, easterly along said road to its intersection with Mount Poso Conservation Plant Road; then, southerly along said road to its intersection with an Unnamed Road; then, westerly along said road to its intersection with White Crown Drive; then, southerly along said road to its intersection with Bronze Hill Road; then, southerly along said road to its intersection with White Rye Street at 35.562158 latitude and -119.037677 longitude; then, southerly along said street to its intersection with an Imaginary Line; then, southerly along said line to its intersection with Poso Creek at 35.548646 latitude and -119.045892 longitude; then, southerly along said creek to its intersection with an Imaginary Line; then, southerly along said line to its intersection with Eaglecrest Road; then, southwesterly

along said road to its intersection with Emigrant Pass Road; then, southwesterly along said road to its intersection with Merced Avenue; then, westerly along said avenue to its intersection with an Unnamed Road at 35.529951 latitude and -119.074760 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.527957 latitude and -119.075429 longitude; then, westerly along said road to its intersection with Porterville Highway; then, southerly along said highway to its intersection with Porterville Highway and an Imaginary Line at 35.506378 latitude and -119.077239 longitude; then, Whisler Road; then, westerly along said road to its intersection with Zerker Road; then, southerly along said road to its intersection with Phillips Road; then, westerly along said road to its intersection with Wallace Road; then, southerly along said road to its intersection with McCombs Road; then, westerly along said road to its intersection with Driver Road; then, southerly along said intersection to its intersection with Famoso Road; then, westerly along said road to its intersection with Paso Robles Highway; then, westerly along said highway to its intersection with Beech Avenue; then, southerly along said avenue to its southernmost point; then, southwesterly along an Imaginary Line to its intersection with Shafter Avenue and Kimberlina Road; then, starting easterly along said road to its intersection with Lerdo Canal; then, southeasterly along said canal to its intersection with State Highway 99; then, southeasterly along said highway to its intersection with Lerdo Highway; then, easterly along said highway to its intersection with Zerker Road; then, northerly along said road to its intersection with Road 5039; then, southeasterly along said road line to its intersection with an Imaginary Line at the end of said road; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.505503 latitude and -119.074684 longitude; then, northeasterly along said creek to its intersection with an Imaginary Line at 35.513800 latitude and -119.058270 longitude; then, northeasterly along an Imaginary Line to its intersection with S Granite Road at 35.526995 latitude and -118.975172 longitude; then, continuing northeasterly along S Granite Road to its intersection with Round Mountain Road; then, continuing southeasterly along Round Mountain Road to its intersection with an Unnamed Creek at 35.514784 latitude and -118.900084 longitude; then, northeasterly along said creek to its intersection with Poso Creek; then, southeasterly along said creek to its intersection with Rattlesnake Creek; then, easterly

along said creek to its intersection with an Unnamed Creek at 35.512060 latitude and -118.801422 longitude; then, northeasterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.529024 latitude and -118.772090 longitude; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.505618 latitude and -118.760567 longitude; then, easterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.528558 latitude and -118.771821 longitude; then, southerly along said line to its intersection with an Unnamed Creek at 35.504941 latitude and -118.726413 longitude; then, southerly along said creek to its intersection with the Kern River; then, southeasterly along said river to its intersection with Stark Creek; then, southeasterly along said creek to its intersection with an Unnamed Creek at 35.454800 latitude and -118.708432 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.442430 latitude and -118.719765 longitude; then, westerly along said line to its intersection with Barker Creek at the beginning of said creek; then, southerly along said creek to its intersection with Cottonwood Creek and an Imaginary Line; then, southwesterly along said line to its intersection with an Unnamed Creek at 35.391213 latitude and -118.743239 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.377653 latitude and -118.750925 longitude; then southwesterly along said line to its intersection with an Unnamed Creek at 35.369629 latitude and -118.765459 longitude; then, southeasterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.361364 latitude and -118.751918 longitude; then, southerly along said line to its intersection with Bena Road at 35.325245 latitude and -118.732180 longitude; then, southeasterly along said road to its intersection with California Highway 58; then, southeasterly along said highway to its intersection with White Wolf Road; then, southwesterly along said road to its intersection with an Unnamed Creek at 35.220173 latitude and -118.714107 longitude; then, southeasterly along said creek to its intersection with an Imaginary Line at the end of said creek; then, southerly along said line to its intersection with Chester Court at the beginning of said court; then, southerly along said court to its intersection with an Unnamed Creek at 35.199764 latitude and -118.683327 longitude; then, southerly along said creek to its intersection with an Imaginary Line at 35.182190 latitude and -118.691132 longitude; then, southerly

along an Imaginary Line to its intersection with El Paso Creek at 35.994800 latitude and -118.687704 longitude; then, southwesterly along an Imaginary Line to its intersection with the California Aqueduct at 34.946961 latitude and -118.829398 longitude; then, southwesterly along said aqueduct to its intersection with Edmonston Pumping Plant Road; then, westerly along an Imaginary Line to its intersection with Grapevine Road East until the end of said line; then, southwesterly along said road to its intersection with an Unnamed Road at 34.936476 latitude and -118.944383 longitude; then, southwesterly along an Imaginary Line to its intersection with Pleito Creek at 34.924999 latitude and -119.081841 longitude; then, northwesterly along an Imaginary Line to an Unnamed Road at 34.959795 latitude and -119.281730 longitude; then, northwesterly along an Imaginary Line to its intersection with an Unnamed Road at 35.026806 latitude and -119.331158 longitude; then, southwesterly along said road to its intersection with Western Minerals Road; then, northwesterly along said road to its intersection with Pentland Road; then, southerly along Pentland Road to its intersection with an Imaginary Line at 35.018167 latitude and -119.348767 longitude; then, southwesterly along said line to its intersection with an Unnamed Road at 35.011632 latitude and -119.388568 longitude; then, northwesterly along said road to its intersection with Highway 33; then, northwesterly along an Imaginary Line to its intersection with Bitterwater Creek and Elkhorn Grade Road; then, southwesterly along said road to its intersection with the Kern County Boundary Line; then, northerly along the Kern County Boundary Line to its intersection with an Imaginary Line at 35.179975 latitude and -119.553639 longitude; then, easterly along said line to its intersection with Mocal Road at 35.179931 latitude and -119.549414 longitude; then, easterly along said road to its intersection with Randall Road; then, northerly along said road to its intersection with Highway 33; then, northwesterly along said highway to its intersection with Mocal Road; then, northeasterly along an Imaginary Line to its intersection with an Unnamed Creek at 35.23264 latitude and -119.47309 longitude; then, northwesterly along said creek to its intersection with an Unnamed Creek at 35.2373 latitude and -119.4808 longitude; then, northerly along said creek to its intersection with Zealan Way at 35.26713 latitude and -119.47629 longitude; then, easterly along said way to its intersection with Elk Hills Road; then, northerly along Elk Hills Road to its intersection with an Imaginary Line at

35.309537 latitude and -119.468392 longitude; then, northwesterly along said line to its intersection with State Highway 58 and an Imaginary Line at 35.370045 latitude and -119.570496 longitude; then, northwesterly along said line to its intersection with 7th Standard Road at 35.441539 latitude and -119.586967 longitude; then, easterly along said road to its intersection with Main Drain Road; then, northwesterly along said road to its intersection with Milan Road; then, northerly along said road to its intersection with Vlasnik Road; then, westerly along said road to its intersection with Main Drain Road; then, northwesterly along Main Drain Road to its intersection with Lerdo Highway; then, easterly along said highway to its intersection with Rowlee Road; then, southerly along said road to its intersection with Riverside Street; then, easterly along said street to its intersection with an Unnamed Road at 35.485737 latitude and -119.408187 longitude; then, southerly along said road to its intersection with Burbank Street; then, easterly along said street to its intersection with Leonard Street; then, northerly along said street to its intersection with W Lerdo Highway; then, westerly along said highway to its intersection with Scofield Road; then, northerly along said road to its intersection with Fresno Avenue; then, westerly along said avenue to its intersection with Jumper Street; then, northerly along said street to its intersection with Merced Avenue; then, westerly along said avenue to its intersection with Wildwood Road; then, northerly along said road to its intersection an Unnamed Creek at 35.659542 latitude and -119.437520 longitude; then, easterly along said creek to its intersection with Hanawalt Avenue; then, easterly along said avenue to its intersection with an Unnamed Road; then, southerly along said road to its intersection with Taussig Avenue; then, easterly along said avenue to its intersection with the Central Valley Highway; then, northerly along said highway to its intersection with Peterson Road; then, westerly along said road to its intersection with Magnolia Avenue; then, northerly along said avenue to its intersection with an Imaginary Line at the end of said avenue; then, northerly along said line to its intersection with the Kern County Boundary Line at 35.790015 latitude and -119.365414 longitude; then, easterly along said boundary line to the point of the beginning.

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Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

Reference: Sections 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.